

**ORDINANCE NO. 2014-38**

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A LOT COVERAGE OF 33.6%, WHERE A MAXIMUM OF 30% IS ALLOWED, TO ALLOW A WEST SIDE SETBACK OF 8 FEET, WHERE A MINIMUM OF 10 FEET ARE REQUIRED, AND TO ALLOW NO LANDSCAPE BUFFER, WHERE A 7-FOOT BUFFER IS REQUIRED BETWEEN THE PARKING AREA AND THE RIGHT-OF-WAY, CONTRA TO HIALEAH CODE §§ 98-590, 98-2056(b)(2) AND 98-2197(a). **PROPERTY LOCATED AT 450 EAST 24 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of May 28, 2014 recommended approval of this ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby granted a variance permit to allow a total lot coverage of 33.6%, where a maximum of 30% is allowed, to allow a west side setback of 8 feet, where a minimum of 10 feet are required, and to allow no landscape buffer, where a 7-foot landscape buffer is required between the parking area and the right-of-way, contra to Hialeah Code §§ 98-590, 98-2056(b)(2) and 98-2197a) which provide in pertinent part: "In the R-3 multiple-family district, there shall be side yards, and the width of each shall not be less than ten feet.", "In addition, every residential development except R-1 and R-4, and R-3 when developed as R-4 shall comply with the following open space and lot coverage requirements: (2) A maximum of

30 percent of the net residential land area shall be covered with or occupied by the principal residential structure.” and “.”, “Off-street parking areas shall be landscaped according to the latest edition of the Miami-Dade County Landscape Manual for off-street parking and other vehicular use areas, as modified and supplemented by the city manual...”, the minimum standards in the City of Hialeah Landscape Manual being “(D)(7) Parking lot buffers. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3)-foot high wall within a seven (7)-foot landscaped strip incorporating said planting and/or wall on private property.”, respectively. Property located at 450 East 24 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 7, IN BLOCK 2B, OF SIXT ADDITION TO THE  
TOWN OF HIALEAH, ACCORDING TO THE PLAT  
THEREOF, AS RECORDED IN PLAT BOOK 8, AT  
PAGE 54 OF THE PUBLIC RECORDS OF MIAMI-  
DADE COUNTY, FLORIDA.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.** Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty

prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

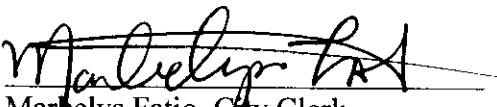
This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

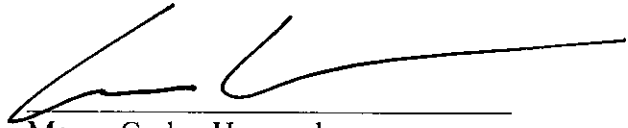
PASSED and ADOPTED this 24 day of June, 2014.

  
Isis Garcia Martinez  
Council President

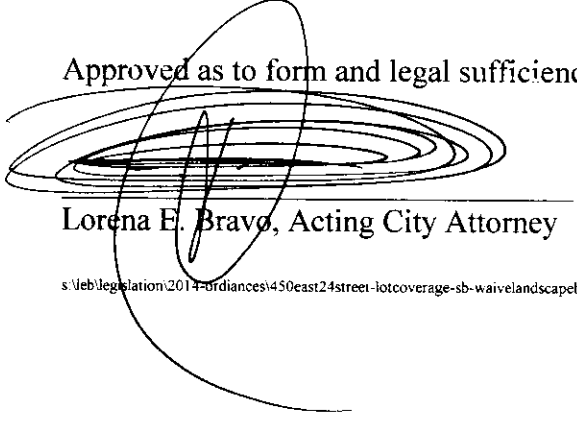
Attest:

Approved on this 02 day of July, 2014.

  
Marbelys Fatjo, City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, Acting City Attorney

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Cásals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".